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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,075	09/13/2002	David Allport	ER 1615.01 US	2612

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PIONEER NORTH AMERICA, INC.  
- INTELLECTUAL PROPERTY DEPARTMENT  
2265 E. 220TH STREET  
LONG BEACH, CA 90810

EXAMINER
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HONG, HYUN J

ART UNIT	PAPER NUMBER
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2623

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01/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/065,075

Applicant(s)

ALLPORT, DAVID

Examiner

Hyun J. Hong

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-160 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-160 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ i s/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/28/02, 03/26/04</u> .                                      | 6) <input type="checkbox"/> Other: ____                           |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 129-160 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A computer data signal embodied on a carrier wave" is non-statutory subject matter.

Claims 97-128 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A computer program embodied on a computer readable medium" is non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-8, 10, 11, 24-32, 33-40, 42, 43, 56-64, 65-72, 74, 75, 88-96, 97-104, 106, 107, 120-128, 129-136, 138, 139, 152-160 are rejected under 35 U.S.C. 102(a) as being anticipated by Schein (US 6,412,110).

**Regarding claim 1,** Schein discloses An electronic program guide system comprising:

a program grid including a plurality of cells, wherein each of said cells can contain program information (fig. 1); and

a visual indicator of an active point in time disposed within said program grid (fig. 1 mouse pointer, col. 4 lines 21-32);

said program grid including one axis representing time (fig. 1);

said visual indicator including a position corresponding to a single point in time within said grid (fig. 1 mouse pointer, col. 4 lines 21-32);

**Regarding claim 2,** Schein discloses The system recited in claim 1, wherein said plurality of cells comprises a plurality of columns disposed along a horizontal axis and at least one row disposed along a vertical axis (fig. 1).

**Regarding claim 3,** Schein discloses The system recited in claim 2, wherein the horizontal axis represents time, and said position corresponding to said single point in time is a horizontal position (fig. 1).

**Regarding claim 4,** Schein discloses The system recited in claim 3, wherein said visual indicator is movable along the horizontal axis and vertical axis (fig. 1 mouse pointer, col. 4 lines 21-32);

**Regarding claim 5,** Schein discloses The system recited in claim 1, wherein said visual indicator is an information line (fig. 1 7:30 pm line).

**Regarding claim 6,** Schein discloses The system recited in claim 1, wherein said visual indicator indicates one active cell within said grid (col. 4 lines 21-32).

**Regarding claim 7,** Schein discloses The system recited in claim 5, wherein said information line is vertically oriented (fig. 1).

**Regarding claim 8,** Schein discloses The system recited in claim 5, wherein said information line intersects a plurality of said cells (fig. 1).

**Regarding claim 10,** Schein discloses The system recited in claim 1, wherein said visual indicator is an icon (fig. 1 mouse pointer).

**Regarding claim 11,** Schein discloses the system recited in claim 1, wherein said visual indicator is a visually distinctive graphical element (fig. 1 mouse pointer).

**Regarding claim 24,** Schein discloses The system recited in claim 4, wherein, in response to a user command to move said visual indicator up, said visual indicator is relocated to a new vertical position without changing said horizontal position (col. 3 lines 59-64, col. 4 lines 22-32).

**Regarding claim 25,** Schein discloses The system recited in claim 4, wherein, in response to a user command to move said visual indicator down, said visual indicator is relocated to a new vertical position without changing said horizontal position (col. 3 lines 59-64, col. 4 lines 22-32).

**Regarding claim 26,** Schein discloses The system recited in claim 4, wherein a first active cell within said grid is indicated, said first active cell displaying program information for a first program (fig. 1, col. 4 lines 6-32).

**Regarding claim 27,** Schein discloses The system recited in claim 26, wherein, in response to a user command to move said visual indicator right, said visual indicator is relocated to a new horizontal position said new horizontal position corresponding to an end time of said first program (fig. 1, col. 4 lines 6-32).

**Regarding claim 28,** Schein discloses The system recited in claim 27, wherein, in response to said user command, said first active cell is deactivated, and a second cell becomes active, said second cell being located on the same row and to the right of previous said first active cell, said second cell displaying program information for a second program, said second program having a start time equal to said end time of said first program (fig. 1, col. 4 lines 6-32).

**Regarding claim 29,** Schein discloses The system recited in claim 4, wherein, in response to a user command to move said visual indicator left, said visual indicator is relocated to a new horizontal position corresponding to the start time of said grid.

**Regarding claim 30,** Schein discloses The system recited in claim 4, wherein, in response to said user command, said first active cell is deactivated, and a second cell becomes active; said second cell being located to the left of said first active cell; said second cell being the first cell appearing in said grid on said row (fig. 1, col. 4 lines 6-32).

**Regarding claim 31,** Schein discloses The system recited in claim 4, wherein, in response to a user command to move said visual indicator left, said visual indicator is relocated to a new horizontal position corresponding to the

start time of a second cell; said second cell being located on the same row and to the left of said first active cell; said second cell being immediately adjacent to said first active cell (fig. 1, col. 4 lines 6-32).

**Regarding claim 32,** Schein discloses The system recited in claim 4, wherein, in response to said user command, said first active cell is deactivated, and said second cell becomes active (fig. 1, col. 4 lines 6-32).

**Regarding claims 33-40, 42, 43, 56-64, 65-72, 74, 75, 88-96, 97-104, 106, 107, 120-128, 129-136, 138, 139, 152-160,** see the rejections of claims 1-8, 10, 11, 24-32.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 12-14, 41, 44-46, 73, 76-78, 105, 108-110, 137, 140-142 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,412,110) in view of Borden (US 6,857,128).

**Regarding claim 9**, Schein discloses the system recited in claim 8.

However, Schein does not specifically disclose wherein said information line comprises a visually distinctive segment for indicating said one active cell.

In analogous art, Borden discloses a visually distinctive segment for indicating said one active cell (fig. 5).

It would have been obvious to combine the visually distinctive segment of Borden into the information line of Schein. This would allow the user to see which cell is active along the information line.

**Regarding claim 12**, Schein in view of Borden discloses The system recited in claim 1, further comprising a visual indication of an active row within which said active cell is contained (col. 4 lines 3-9 of Borden).

**Regarding claim 13**, Schein in view of Borden discloses The system recited in claim 12, wherein said visual indication of said active row (col. 4 lines 3-9 of Borden), in combination with said visual indicator of said active point in time, indicate said active cell (mouse pointer, fig. 1 of Schein).

**Regarding claim 14**, Schein in view of Borden discloses The system recited in claim 1, further comprising a supplemental information display area, wherein said supplemental information display provides information on a program displayed within said active cell (fig. 5 of Borden).

**Regarding claims 41, 44-46, 73, 76-78, 105, 108-110, 137, 140-142**, see the rejections of claims 9, 12-14.



Claims 15-23, 47-55, 79-87, 111-119, 143-151 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schein (US 6,412,110) in view of Broadus (US 2002/0144264).

**Regarding claim 15**, Schein discloses the system recited in claim 1. However, Schein does not disclose a duration strip that provides a visual indication of airing time for a program displayed within said active cell.

In analogous art, Broadus discloses a duration strip that provides a visual indication of airing time for a program displayed within said active cell (fig. 5(514)).

It would have been obvious to combine the duration strip of Broadus into the program guide of Schein. This would enable the user to see how much a current program has been broadcast.

**Regarding claim 16**, Schein in view of Broadus discloses The system recited in claim 15, wherein said duration strip is disposed within said supplemental information display area (fig. 5 (514) of Broadus).

**Regarding claim 17**, Schein in view of Broadus discloses The system recited in claim 15, wherein said duration strip is movable to correspond with movement of said visual indicator of said active cell ([0074-0075] of Broadus *The duration strip, as well as the information line are dependent upon the current time*).

**Regarding claim 18**, Schein in view of Broadus discloses The system recited in claim 15, wherein said duration strip comprises a visual indication that

a portion of said airing time of said program is not displayed within said grid (fig 5 (512) of Broadus).

**Regarding claim 19,** Schein in view of Broadus discloses The system recited in claim 1, further comprising a descriptive label that provides additional information on a program displayed within said active cell (fig. 5(514) of Broadus).

**Regarding claim 20,** Schein in view of Broadus discloses The system recited in claim 19, wherein said descriptive label is disposed within said supplemental information display area (fig. 5(514) of Broadus *The cell is the supplemental information display area*).

**Regarding claim 21,** Schein in view of Broadus discloses The system recited in claim 19, wherein said descriptive label is movable to correspond with movement of said information line ([0070-0071] of Broadus *The duration bar and the information line move according to the current time*).

**Regarding claim 22,** Schein in view of Broadus discloses The system recited in claim 19, wherein the alignment of said descriptive label with respect to said information line depends upon the alignment of said information line with respect to the start of said active cell ([0070-0071] of Broadus).

**Regarding claim 23,** Schein in view of Broadus discloses The system recited in claim 22, wherein text displayed in said supplemental information display area wraps around said descriptive label (fig. 5 of Broadus *The cell is wrapped around the duration bar*).

**Regarding claims 47-55, 79-87, 111-119, 143-151, see the rejections of claims 15-23.**

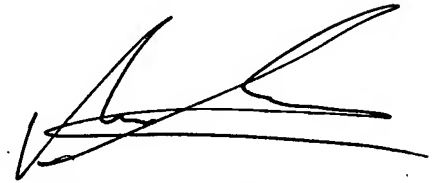
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun J. Hong whose telephone number is (571)-270-1553. The examiner can normally be reached on M-F (9:30a-7:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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